

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2898
OFFERED BY MR. UPTON**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “E–911 Implementation
3 Act of 2003” .

4 SEC. 2. COORDINATION OF E-911 IMPLEMENTATION.

5 (a) IN GENERAL.—Part C of title I of the National
6 Telecommunications and Information Administration Or-
7 ganization Act (47 U.S.C. 901 et seq.) is amended by add-
8 ing at the end the following:

9 “SEC. 158. COORDINATION OF E-911 IMPLEMENTATION.

10 “(a) E-911 IMPLEMENTATION COORDINATION OF-
11 FICE.—

12 “(1) ESTABLISHMENT.—The Assistant Sec-
13 retary shall establish an E–911 Implementation Co-
14 ordination Office to facilitate coordination and com-
15 munication between Federal, State, and local emer-
16 gency communications systems, emergency per-
17 sonnel, public safety organizations, telecommuni-
18 cations carriers, and telecommunications equipment



1 manufacturers and vendors involved in the imple-
2 mentation of E-911 services.

3 “(2) PURPOSE OF OFFICE.—The Office shall—

4 “(A) take actions, in concert with coordi-
5 nators designated in accordance with subsection
6 (b)(3)(A)(ii), to improve such coordination and
7 communication;

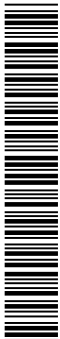
8 “(B) develop, collect, and disseminate in-
9 formation concerning practices, procedures, and
10 technology used in the implementation of E-
11 911 services;

12 “(C) advise and assist eligible entities in
13 the preparation of implementation plans re-
14 quired under subsection (b)(3)(A)(iii);

15 “(D) receive, review, and recommend the
16 approval or disapproval of applications for
17 grants under subsection (b); and

18 “(E) oversee the use of funds provided by
19 such grants in fulfilling such implementation
20 plans.

21 “(3) REPORTS.—The Assistant Secretary shall
22 provide an annual report to Congress by the first
23 day of October of each year on the activities of the
24 Office to improve coordination and communication



1 with respect to the implementation of E-911 serv-
2 ices.

3 “(b) PHASE II E-911 IMPLEMENTATION GRANTS.—

4 “(1) MATCHING GRANTS.—The Assistant Sec-
5 retary, after consultation with the Secretary of
6 Homeland Security and the Chairman of the Federal
7 Communications Commission, and acting through
8 the Office, shall provide grants to eligible entities for
9 the implementation of phase II E-911 services
10 through planning, infrastructure improvements, tele-
11 communications equipment purchases, and personnel
12 training.

13 “(2) MATCHING REQUIREMENT.—The Federal
14 share of the cost of a project eligible for a grant
15 under this section shall not exceed 50 percent. The
16 non-Federal share of the cost shall be provided from
17 non-Federal sources.

18 “(3) COORDINATION REQUIRED.—In providing
19 grants under paragraph (1), the Assistant Secretary
20 shall require an eligible entity to certify in its appli-
21 cation that—

22 “(A) in the case of an eligible entity that
23 is a State government, the entity—

24 “(i) has coordinated its application
25 with the public safety answering points (as



1 such term is defined in section 222(h)(4)
2 of the Communications Act of 1934) lo-
3 cated within the jurisdiction of such entity;

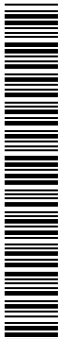
4 “(ii) has designated a single officer or
5 governmental body of the entity to serve as
6 the coordinator of implementation of E-
7 911 services, except that such designation
8 need not vest such coordinator with direct
9 legal authority to implement E-911 serv-
10 ices or manage emergency communications
11 operations;

12 “(iii) has established a plan for the
13 coordination and implementation of E-911
14 services; and

15 “(iv) has integrated telecommuni-
16 cations services involved in the implemen-
17 tation and delivery of phase II E-911 serv-
18 ices; or

19 “(B) in the case of an eligible entity that
20 is not a State, the entity has complied with
21 clauses (i), (iii), and (iv) of subparagraph (A),
22 and the State in which it is located has com-
23 plied with clause (ii) of such subparagraph.

24 “(4) CRITERIA.—The Assistant Secretary shall
25 issue regulations within 180 days of the enactment



1 of the E-911 Implementation Act of 2003, after a
2 public comment period of not less than 60 days, pre-
3 scribing the criteria for selection for grants under
4 this section, and shall update such regulations as
5 necessary.

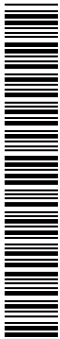
6 “(c) DIVERSION OF E-911 CHARGES.—

7 “(1) DESIGNATED E-911 CHARGES.—For the
8 purposes of this subsection, the term ‘designated E-
9 911 charges’ means any taxes, fees, or other charges
10 imposed by a State or other taxing jurisdiction
11 that—

12 “(A) appear on telecommunications serv-
13 ices customers’ bills; and

14 “(B) are designated or presented as dedi-
15 cated to deliver or improve E-911 services.

16 “(2) CERTIFICATION.—Each applicant for a
17 matching grant under this section shall certify to the
18 Assistant Secretary at the time of application, and
19 each applicant that receives such a grant shall cer-
20 tify to the Assistant Secretary annually thereafter
21 during any period of time during which the funds
22 from the grant are available to the applicant, that
23 no portion of any designated E-911 charges imposed
24 by a State or other taxing jurisdiction within which
25 the applicant is located are being obligated or ex-



1 pended for any purpose other than the purposes for
2 which such charges are designated or presented.

3 “(3) CONDITION OF GRANT.—Each applicant
4 for a grant under this section shall agree, as a con-
5 dition of receipt of the grant, that if the State or
6 other taxing jurisdiction within which the applicant
7 is located, during any period of time during which
8 the funds from the grant are available to the appli-
9 cant, obligates or expends designated E-911 charges
10 for any purpose other than the purposes for which
11 such charges are designated or presented, all of the
12 funds from such grant shall be returned to the Sec-
13 retary.

14 “(4) PENALTY FOR PROVIDING FALSE INFOR-
15 MATION.—Any applicant that provides a certification
16 under paragraph (1) knowing that the information
17 provided in the certification was false shall—

18 “(A) not be eligible to receive the grant
19 under subsection (b);

20 “(B) return any grant awarded under sub-
21 section (b) during the time that the certification
22 was not valid; and

23 “(C) not be eligible to receive any subse-
24 quent grants under subsection (b).

25 “(d) AUTHORIZATION; TERMINATION.—



1 “(1) AUTHORIZATION.—There are authorized to
2 be appropriated to the Department of Commerce not
3 more than \$100,000,000 for each of the fiscal years
4 2004 through 2008 for grants under this section.

5 “(2) TERMINATION.—The provisions of this
6 section shall cease to be effective on October 1,
7 2008.

8 “(e) DEFINITIONS.—As used in this section:

9 “(1) OFFICE.—The term ‘Office’ means the E–
10 911 Implementation Coordination Office.

11 “(2) ELIGIBLE ENTITY.—

12 “(A) IN GENERAL.—The term ‘eligible en-
13 tity’ means a State or local government or a
14 tribal organization (as defined in section 4(l) of
15 the Indian Self-Determination and Education
16 Assistance Act (25 U.S.C. 450b(l))).

17 “(B) INSTRUMENTALITIES.—Such term in-
18 cludes public authorities, boards, commissions,
19 and similar bodies created by one or more eligi-
20 ble entities described in subparagraph (A) to
21 provide E–911 services.

22 “(C) EXCEPTION.—Such term does not in-
23 clude any entity that has failed to submit the
24 most recently required certification under sub-



1 section (c) within 30 days after the date on
2 which such certification is due.

3 “(3) E-911 SERVICES.—The term ‘E-911 serv-
4 ices’ means both phase I and phase II enhanced 911
5 services, as described in section 20.18 of the Com-
6 mission’s regulations (47 CFR 20.18), as in effect
7 on the date of enactment of this section, or as subse-
8 quently revised by the Federal Communications
9 Commission.

10 “(4) PHASE II E-911 SERVICES.—The term
11 ‘phase II E-911 services’ means only phase II en-
12 hanced 911 services, as described in such section
13 20.18 (47 CFR 20.18), as in effect on such date, or
14 as subsequently revised by the Federal Communica-
15 tions Commission.”.

16 **SEC. 3. REPORT ON THE DEPLOYMENT OF E-911 PHASE II**
17 **SERVICES BY TIER III SERVICE PROVIDERS.**

18 Within 90 days after the date of enactment of this
19 Act, the Federal Communications Commission shall sub-
20 mit a report to the Committee on Energy and Commerce
21 of the House of Representatives and the Committee on
22 Commerce, Science, and Transportation of the Senate
23 detailing—



1 (1) the number of tier III commercial mobile
2 service providers that are offering phase II E-911
3 services;

4 (2) the number of requests for waivers from
5 compliance with the Commission's phase II E-911
6 service requirements received by the Commission
7 from such tier III providers;

8 (3) the number of waivers granted or denied by
9 the Commission to such tier III providers;

10 (4) how long each waiver request remained
11 pending before it was granted or denied;

12 (5) how many waiver requests are pending at
13 the time of the filing of the report;

14 (6) when the pending requests will be granted
15 or denied;

16 (7) actions the Commission has taken to reduce
17 the amount of time a waiver request remains pend-
18 ing; and

19 (8) the technologies that are the most effective
20 in the deployment of phase II E-911 services by
21 such tier III providers.

